

COMMISSION MEETING**1:30 P.M.****APRIL 6, 2016**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, April 6, 2016, in the City Commission Meeting Room with Vice-Mayor Gilligan presiding and Commissioners, Geitz, Harmon and Mlynar present. Mayor Giefer was absent. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

Consent Agenda

It was moved by Commissioner Harmon, seconded by Commissioner Geitz that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular meeting held on March 16 and Continued Commission Meeting and Executive Session held on March 23, 2016.
- b. Consider ratification of Payroll Ordinance for period ending March 18 and April 1, 2016.
- c. Consider Set Bid Date and Time for Lift Station #6 Update.
- d. Consider Set Bid Date and Time for 2016 Street Rehabilitation Project.

The vote follows: Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Vice-Mayor Gilligan, aye.

**CITY COMMISSION
(Public Comment)**

Representatives from S.O.S. were in attendance to accept a proclamation declaring the month of April 2016 as "National Child Abuse and Neglect Prevention Month" in Emporia. They stated child abuse and neglect is a serious problem affecting our community. Child abuse can have long-term psychological, emotional and physical effects that can have lifelong consequences for victims of abuse. By providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders, helping to secure the future of this state and nation. They urged all citizens to the task of improving the quality of life for all children and families.

Representatives from the Kansas Rural Water Association were in attendance to present the City of Emporia an award for 1st place in the "Best Tasting Water" in Kansas. They stated this was the 17th Annual contest and Emporia placed 1st for the 2nd year in a row. Emporia has won this contest more times than any other city in Kansas. The regional win made Emporia eligible to participate in the National Great America Water Tasting Contest and Emporia received 3rd place recognition.

K. B. Thomas, concerned citizen, was recognized and addressed the Governing Body. He presented the Commission with some national facts on the economic condition of the nation that could affect Emporia.

**PARK DEPARTMENT
(Veteran's Memorial Park Project)
(Bids)**

City Manager McAnarney stated the City Commission previously authorized the Veteran's Memorial Park Project in the approximate amount of \$180,000.00. The City contributed \$90,000.00 from the Special Park Fund and the Veteran's Memorial Group agreed to raise approximately \$90,000.00 to help pay for the project. He stated there was only one bid from Emporia Construction and Remolding, Inc. for this project. Staff is recommending awarding the bid to Emporia Construction and Remodeling, Inc., for the base bid in the amount of \$85,000.00 plus Alternate #1 in the amount of \$15,900.00 for a total bid of \$100,900.00 for the Veteran's Memorial Improvement Project. He stated this will allow eight tablets to be purchased at the same time. It is anticipated that names for all eight memorial tablets will be sold in the near future.

Commissioner Geitz made a motion to award the base bid in the amount of \$85,000.00 plus Alternate #1 in the amount of \$15,900.00 for a total of \$100,900.00 to Emporia Construction and Remodeling, Inc. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Mlynar, aye; Commissioner Harmon, aye; and Vice-Mayor Gilligan, aye.

CITY COMMISSION
(Partial Demolition of 407 Commercial St.)
(Bid)

Assistant City Manager Witt was recognized and addressed the Governing Body. He stated a bid from Emporia Construction and Remodeling, Inc. will address Phase 1 of the corrective action necessary for the structure at 407 Commercial. The tenant that previously occupied the space has relocated and this phase of the will not interfere with any business operation. This bid is for partial demolition of the structure by removing the existing electrical, gas service, air conditioner condenser and the back of the building and then boxing up the rear of the building with plywood rather than install a metal door. Work will begin approximately on April 11, 2016. After phase 1 is completed a recommendation concerning further actions needed will come from a structural engineer. He stated the alley has been closed for 9 months to ensure safety. Staff is recommending approval of the bid for partial demolition of 407 Commercial Street to Emporia Construction and Remodeling, Inc., in the amount of \$41,755.00.

Following further discussion, Commission Mlynar made a motion to accept the bid for partial demolition of 407 Commercial Street from Emporia Construction and Remodeling, Inc., in the amount of \$41,755.00. Commissioner Geitz seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Vice-Mayor Gilligan, aye.

PAVING
(Authorize Agreement with Kansas Department of Transportation)
(20-16 KLINK Project No. 50-56 U-0680-01)

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated this agreement is between the KDOT and the City of Emporia for the 2016 KLINK project to be constructed this summer. He stated it is typical of KDOT to have agreements signed as a matter of practice defining both parties scope of responsibility when work is being done within the corporate limits. The City is agreeing to complete work withing he existing right-of-ways and the roadway approaches involving the

mill and overlay, reconstruction, minor patching, joint repair, slurry seal and microsurfacing of US-50 Highway/6th Avenue from Graphic Arts road to Prairie Street. This project could be up to \$300,000.00 that will be reimbursable by KDOT with the cost of the project estimated to be \$250,000 for the City's share. He stated staff is recommending the Mayor be authorized to sign the agreement with KDOT for the 2016 KLINK Project No. 50-56 U-0680-01.

Commissioner Geitz made a motion authorizing the Mayor to sign the agreement with KDOT for the 2016 KLINK Project No. 50-56 U-0680-01. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye and Vice-Mayor Gilligan, aye.

**SIDEWALK
(2016 Hazardous Sidewalk Project)
(Bids)**

Jerry Menefee, City Engineering, was recognized and addressed the Governing Body. He stated bids were received for the 2016 Hazardous Sidewalk Project. The City had three bidders out of four plan holders submit a bid. He stated the bids received were intended for setting unit prices for each individual project line item.

BID TABULATION FOR 2016 HAZARDOUS SIDEWALK PROJECT

Contractor	Base bid
Emporia Construction & Remodeling, Inc.	\$47,409.10
Star Construction, Inc.	\$48,391.50
Quality Built Construction	\$46,257.00
Engineer's Estimate	\$53,015.50

The 2016 Hazardous Sidewalk Program is budgeted at \$60,000. He stated additional locations and quantities will be added to this contract throughout the year. The program also allows the homeowner the option to hire their own bonded contractor to replace their sidewalk to replace their sidewalk at these set unit prices. He stated staff was recommending awarding the bid for the 2016 Hazardous Sidewalk Project to Quality Built Construction in the amount of \$46,257.00.

Commissioner Harmon made a motion awarding the bid for the 2016 Hazardous Sidewalk Project to Quality Built Construction in the amount of \$46,257.00. Commissioner Geitz seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Vice-Mayor Gilligan, aye.

**PAVING
(2016 Crack Seal and Slurry Seal Program)
(Bid)**

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated one bid was received for the 2016 Crack Seal and Slurry Seal Program. He stated this project will consist of providing all labor and equipment to lay approximately 84,768 square yards of slurry seal, and the appropriate crack seal on City residential streets. Following is a tabulation and cost break down for this project:

		Crack Seal	Slurry Seal
Vance Bros, Inc.	Unit cost	\$1.72	\$1.86
	Total	\$17,200.00	\$157,668.48
	Estimated project total		\$174,868.48

He stated staff is confident that this one bid reflects a competitive price. For comparison the last four years bid prices are listed:

Year	Crack Seal	Slurry Seal
2013	\$1.96	\$1.83
2014	\$1.98	\$1.92
2015	\$1.65	\$1.78
2016	\$1.72	\$1.86

This same company has been hired for several years and staff is confident in the quality of their work. He stated the budgeted funds for the residential streets is \$200,000.00. Staff is recommending awarding the project to Vance Brothers.

Commissioner Harmon made a motion awarding the bid for the 2016 crack seal and slurry seal program to Vance Brothers, Inc. for crack seal in the amount of \$17,200.00 and slurry seal in the amount of \$157,668.48 for a total project cost of \$174,868.48. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; and Vice-Mayor Gilligan, aye.

**SEWER MAINTENANCE
(Sanitary Sewer Relining Project)
(Bids)**

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated this relining project will provide for the reconstruction of approximately 16,202 foot of pipelines and conduits by the installation of a resin-impregnated flexible tube, which is tightly formed to the original conduit. The resin is cured using either hot water under hydrostatic pressure or steam pressure within the tube. The cured-in-place pipe will be continuous and tight fittings.

BID TABULATION FOR CIPP

	Insituform	SAK
	Kansas City, MO	O'Fallon, MO
Mobilization	Included	Included
Cleaning & Televising	Included	Included
15,474' of 8" CIPP	\$362,091.60	\$404,512.50
728' of 10" CIPP	\$ 17,836.00	\$ 22,859.20
Total Project	\$379,927.60	\$427,371.70

He stated there is \$400,000.00 budgeted in the Sewer Fund. Staff is recommending awarding the bid to Insituform for the project. Insituform has been hired several years in a row to reline the sewer pipes and have always done a good job.

Commissioner Mlynar made a motion to award the bid for the sanitary sewer relining project to Insituform for relining 16,202 feet of sewer pipe at a total project cost of \$379,927.60. Commissioner Harmon seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; and Vice-Mayor Gilligan, aye.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(North end of 600 to North end of 800 Blocks of Commercial St.)
(Beer Garden for Dirty Kanza 200)
(Ordinance Number 16-07)**

AN ORDINANCE EXEMPTING COMMERCIAL STREET INCLUDING THE NORTHERN 600, 700 AND 800 BLOCKS IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE

AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE DIRTY KANZA EVENT JUNE 4, 2016, to which the City Clerk assigned Ordinance Number 16-07, was presented to the Governing Body for their consideration.

Christina Montgomery, City Attorney, was recognized and addressed the Governing Body. She stated Emporia Granada Theater is requesting a temporary exemption from the prohibition of the sale and consumption of alcoholic beverages for the Dirty Kanza event to be held on June 4, 2016. The requested exemption would include the area from the north end of the 600 block to the north end of the 800 block of Commercial Street from 12:00 noon to 12:00 midnight. All requirements to ensure the compliance with state law and city ordinances will be met.

Commissioner Harmon made a motion to approve Ordinance Number 16-07, an ordinance exempting Commercial Street including the north end of the 600 block to the north end of the 800 blocks, from the prohibition on the sale and consumption of alcoholic beverages for the Dirty Kanza event on June 4, 2016. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; and Vice-Mayor Gilligan, aye.

CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(800 to Mid 900 Blocks of Commercial Street)
(Beer Garden for Glass Blown Open Event)
(Ordinance Number 16-08)

AN ORDINANCE EXEMPTING COMMERCIAL STREET INCLUDING THE 800 AND MID 900 BLOCK IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE GLASS BLOWN OPEN EVENT APRIL 30, 2016, to which the City Clerk assigned Ordinance Number 16-08, was presented to the Governing Body for their consideration.

Christina Montgomery, City Attorney, was recognized and addressed the Governing Body. She stated the Emporia Granada Theater is requesting a temporary exemption from the prohibition of the sale and consumption of alcoholic beverages for the Glass Blown Open event to be held on April 30, 2016. The exemption would include the 800 and mid 900 blocks of Commercial Street from 2:00 p.m. to 12:00 midnight on that date. All other requirements to ensure the compliance with state law and city ordinances will be met.

Commissioner Geitz made a motion to approve Ordinance Number 16-08, an ordinance exempting Commercial Street including the 800 and mid 900 blocks in the City of Emporia from the prohibition on the sale and consumption of alcoholic beverages for the Glass Blown Open Disc Golf event on April 30, 2016. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Vice-Mayor Gilligan, aye.

**CITY COMMISSION
(Historic Breckenridge, LLC and Historic Building Group, LLC)
(Amendment of Memorandum of Understanding)**

Assistant City Manager Will was recognized and addressed the Governing Body. He stated the owners of the Historic Breckenridge Hotel sent a letter requesting an extension to the term of the agreement for nine months. An amendment was drafted extending the term for the requested nine months. The extension letter was a requirement of the existing agreement and does comply with the process outlined. He stated staff is recommending the amendment to the Memorandum of Understanding for the requested nine month extension.

Commissioner Geitz made a motion to approve the amendment to the Memorandum of Understanding for the Historic Breckenridge, LLC. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Mlynar, aye; Commissioner Harmon, aye; and Vice-Mayor Gilligan, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 3-22-16)
(Application No. 2016-04 - Request of the City of Emporia)
(Text Change Concerning Temporary Use Permits for Food Vendors)**

Excerpt of the March 22, 2016 Planning Commission Meeting Minutes:

The Planning Commission met in regular session on Tuesday, March 22, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Pontius, Sauder, Springeman and Wade were present.

Member Bucklinger asked if the new recommendation would limit

the amount of permits that could be obtained since the current regulations for Temporary Use Permits allow only 4 permits at each location, per calendar year. He asked if there were any limits in the new regulation. Secretary Foster responded, he did not see a need to have a limit and he didn't foresee them to become a permanent fixture. The regulations should be in place for the health and safety of the community.

Member Thomas inquired if the new regulations would allow a mobile food truck in different locations in a 12 hour period. Secretary Foster replied that moving to different locations would be allowed. The permit would be not only for the location but the truck itself.

Member Sauder stated that he sees the food trucks as being an entrepreneurial effort by people that want to grow that segment of business.

Member Thomas asked if the permit would be required to be displayed. Secretary Foster noted he could include on the application, the permit and state license be displayed.

With no further discussion, the public hearing portion is opened.

With no further discussion, the public hearing portion is closed.

Member Wade moved to approve Application 2016-04, to modify the text of the Emporia - Lyon County Metropolitan Planning Area Zoning Regulations, Section 20-6.c.4, concerning Temporary Use Permits to allow the regulation of Mobile Food Venders, based upon Staff recommendations and with an amendment to the application form that the permit and state license must be displayed. Sauder seconded. Motion approved 8-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of the City of Emporia to modify the text of the Emporia-Lyon County Metropolitan Planning Area Zoning Regulations, Section 20-6a.4, concerning Temporary Use Permits to allow the regulations of Mobile Food Venders. He stated the proposed regulations include, hours of operation, fee, location, sanitation and licensing required to obtain a permit. He stated at their March 22, 2016 regular meeting, the Planning Commission voted unanimously to approve the text change based on staff recommendations, specifically that the changes

in the temporary use of food vender would help protect the health, safety and welfare of the community.

PLANNING AND DEVELOPMENT
(Application No. 2016-04 - Request of the City of Emporia)
(Text Change Concerning Temporary Use Permits for Food Vendors)
(Ordinance Number 16-09)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AMENDING ARTICLE 20 OF THE ZONING REGULATIONS FOR THE CITY OF EMPORIA AND THE METROPOLITAN PLANNING AREA OF LYON COUNTY, KANSAS AS ADOPTED BY ORDINANCE NO. 00-08 OF THE CITY OF EMPORIA, KANSAS AND REPEALING THE EXISTING SECTIONS, to which the City Clerk assigned Ordinance Number 16-09, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 16-09, an ordinance to modify the text concerning temporary use permits to allow the regulation of mobile food vendors. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Vice-Mayor Gilligan, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 3-22-16)
(Application No. 2016-03 - Request of Rite Development, Inc.)
(Rezone Property Located at 1002 Whittier St.)

Excerpt of the March 22, 2016 Planning Commission Meeting Minutes:

The Planning Commission met in regular session on Tuesday, March 22, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Pontius, Sauder, Springeman and Wade were present.

APPLICATION 2016-03. A request of Rite Development, Inc to change the zoning status of the property located at 1002 Whittier St., from R1, Low Density Residential District to R3, High Density Residential District, as authorized by Article 26-1 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

Staff Report:

The current zoning for the parcel of land is R-1 for Low Density Residential Development. Surrounding this location there are a number of mixed zoning uses, including C-2 for Restricted Commercial District to the north, R-3 High Density Residential to the east, and R1 to the south and west.

The developer is proposing a 36 unit apartment on the vacant land that is approximately 2.4 acres (105,333 sq ft). This includes 80 parking stalls. The proposed use will help the present need for low income tax credits in emporia as some the current units has expired.

The City of Emporia Zoning Department sees the rezoning of this parcel a viable use to meet the needs of the community. This property would serve a buffer zoning if rezoned to R-3 from the neighboring C2 Commercial District. Staff recommends approval of the rezoning as it is consistent with the City of Emporia Comprehensive Plan and would serve as a buffer zone from the neighboring commercial district.

Member Bucklinger asked if the proposed parking stalls are within the required number for parking. Staff responded that he believed it to be in compliance but he has not seen a final site plan on the project.

Being no further questions, the Public Hearing portion was opened.

Public Hearing:

Mr. Dolph Woodman, Wright Development, Republic, Missouri, spoke as the representative for the proposed project. He explained that the residents would be 50 percent below the medium income and this is a tax credit project. All the tenants would go through a background check and they would pay the same amount of rent. There would be 2 and 3 bedroom units, community room and a full-time manager on site at all times. The properties must be kept in compliance for over 20 years. He shared that he had been doing this type of project for 20 years and has many existing properties in Kansas, Missouri and Oklahoma.

Member Sauder asked if the existing home, which is located on the front portion of the property, still be in existence. Mr. Woodman replied, the home will remain but that the future goal would be to purchase that property and possibly the property where the old Burger King had been located. Mr. Bucklinger asked if Mr. Woodman had been contacted by any of the neighbors

for that property. He acknowledged he had been contacted by one neighbor.

Member Thomas asked if there had been a traffic count conducted. Mr. Woodman replied that he did not think there had been a traffic study done at this time.

Mr. Glen Knuth, 1002 Whittier St., current owner of the property, spoke in favor of the application. He felt the project would be a great addition to our community and the land is "just sitting there doing nothing".

Mr. Ron and Christy Zlab, 940 Whittier St., resides adjacent to 1002 Whittier St. and was looking for clarification as to what the project would entail. He was concerned about buffering, drainage and boxing in his property.

Mr. Woodman responded to Mr. Zlab's concerns, in regards to his access, he understood that there had been an existing road at one time but had been abandoned. Ms. Zlab replied "it was their understanding that it had to be 50 feet for the road to be opened up but there is only about 43 feet. Their house sits at the front of their property and it's empty behind it. If you make the roadway open again, it will go right by their bedroom windows". Mr. Foster explained that he had spoken with the Zlab's at an earlier time at which they had spoke of the possibility of them developing the back part of their lot. He also had informed them they would have to go through a rezoning request just as Mr. Woodman had. He understood that the Zlab's may feel like their property would be somewhat land locked, but they would still have access from the front of their property. Ms. Zlab did not feel that there would be enough access if the zoning was changed on 1002 Whittier and the development was allowed. Mr. Zlab still questioned the change to the drainage with the changes. Mr. Woodman replied that they would comply with any necessary requirements the city imposes.

Mr. Sauder explained that this application is for zoning purposes, not the structure itself. If the zoning change is approved, the developer would have to comply with the regulations and process of getting a building permit.

Being no further comments, the Public Hearing portion was closed.

Member Bucklinger asked if a traffic study would be a part of the process once a building permit is requested. Mr. Foster was not certain but there would be a site plan committee involved with the process.

Member Sauder commented that the area is a mess and it's difficult to get access to the back. Furthermore, suitable building spots are scarce and housing, whether it be a single family dwelling or rental properties are at a premium and felt this project would serve a very important need in the community. This proposed development would be taking land, as Mr. Kuntz stated, has virtually no use and this would be a creative way to utilize the land. The property currently borders on R-1, residential, and C-2, restricted commercial, which would serve as a buffer if the rezoning is allowed.

Member Sauder moved to approve Application 2016-03, to change the zoning status of the property located at 1002 Whittier St., from R1, Low Density Residential District to R3, High Density Residential District, based upon Staff recommendation with an amendment to include a Site Plan Review with a traffic study to be conducted. Member Bucklinger seconded. Motion approved 8-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of Rite Development, Inc. to change the zoning at 1002 Whittier Street from R-1, Low Density Residential District to R-3, High Density District. He stated the applicant is the developer and is proposing a 36 unit apartment on the east portion of 1002 Whittier Street which is vacant land of approximately 2.4 acres. The proposed use will help the present need for low income tax credits. He stated at their March 22, 2016 regular meeting the Planning Commission voted unanimously to change the zoning status at 1002 Whittier Street from R-1, Low Density Residential District to R-3, High Density District. He stated staff was recommending approval of the rezoning as it is consistent with the City of Emporia Comprehensive Plan, and would serve as a buffer zone from the neighboring commercial district.

PLANNING AND DEVELOPMENT
(Application No. 2016-03 - Request of Rite Development, Inc.)
(Rezone Property Located at 1002 Whittier St.)
(Ordinance Number 16-10)

AN ORDINANCE REZONING A CERTAIN AREA IN THE CITY OF EMPORIA, KANSAS FROM R1, LOW DENSITY RESIDENTIAL DISTRICT TO R3, HIGH DENSITY RESIDENTIAL DISTRICT AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 16-10, was presented to the Governing Body for their consideration.

Commissioner Mlynar made a motion to approve Ordinance Number 16-10, an ordinance to change the zoning status at 1002 Whittier Street from R-1, Low Density Residential District to R-3, High Density District as recommended. Commissioner Harmon seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; and Vice-Mayor Gilligan, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 2-23-16)
(Application No. 2016-01 - Request of Diane J. Hanshew)
(Rezone Property Located at 1325 E. 6th Ave.)

Excerpt of the February 23, 2016 Planning Commission Meeting:

The Planning Commission met in regular session on Tuesday, February 23, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Sauder, Springeman and Wade were present. Member Pontius was absent.

Application 2016-01. A request of Diane J. Hanshew to change the zoning status of a portion of the property located at 1325 E. 6th Ave, described as the Lots 5, 6 and North 37.03 feet Lot 4, Block 1 of the Springfield Addition, from R-3, High Density Residential District to C3, General Commercial District, as authorized by Article 26-1 of the Zoning Regulations. The applicant is additionally requesting a Conditional Use Permit to allow for Storage unit, as authorized by Section 9-401 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

Staff Report: This application is being made to make this parcel useable and consistent with other properties on E. 6th Avenue. The property is located near commercial and industrial zones and is on an arterial road. Changing the zoning from an R-3 to C-3 would be consistent with surrounding uses and compatible with the Comprehensive Plan. Additionally, the applicant is requesting a Conditional Use Permit to allow for a self storage facility at this location. The lot is currently vacant and is approximately 6500 square feet.

Staff recommends approval for the zoning change for an R-3 to a C-3 as it is a consistent use with neighboring properties and also recommends approval of the Conditional Use Permit to allow a storage facility and request the applicant follows the Zoning

Regulation Section 20-1301, Landscape Ordinance Guidelines, to visually soften the storage buildings from 6th Avenue.

Member Bucklinger asked if there are any specific requirements, as to the number or type of storage units allowed, for a CUP. Secretary Foster replied, he did not know of any requirements specifically for a Conditional Use Permit regarding storage units. Member Bucklinger inquired if the various setbacks been determined to be in compliance. Secretary Foster replied, everything is in compliance.

With no further discussion, the public hearing portion is opened.

Public Hearing:

Paul Hanshew and Diane Hanshew, 906 Commercial Street, asked for the Boards consideration to approve to zoning change on the three lots. He explained, part of the lots were taken when the overpass was construction on E. 6th Avenue. They have owned the properties for quite some time and decided to try combining the leftover lots so that it would become a decent sized piece of ground to develop. The properties have been vacant for quite a few years and they would like to see it put to a good use.

With no further comments, the public hearing portion was closed.

Member Sauder moved to approve Application 2016-01, to change the zoning status of a portion of the property located at 1325 E. 6th Ave, described as the Lots 5, 6 and North 37.03 feet Lot 4, Block 1 of the Springfield Addition, from R-3, High Density Residential District to C3, General Commercial District and a Conditional Use Permit to allow for storage units based upon Staff's recommendation and that it fits into the current characteristics of the neighborhood and the zoning of the neighboring lots. Member Wade seconded. Motion approved 7-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of Diane Hanshew to change the zoning status for property located at 1325 E. 6th Avenue from R-3, High Density Residential District to C-3, General Commercial District. He stated the applicant has a desire to make the vacant property a useable business. The neighboring properties are mixed use, with C-3 to the east, and R-3 to the south that is used as agricultural land, and the property to the north across 6th Avenue is zoned I-1. He stated at their February

23, 2016 regular meeting, the Planning Commission voted unanimously to change the zoning status for the property located at 1325 E. 6th Avenue from R-3, to C-3. He stated staff was recommending approval of the rezoning to make it consistent use with neighboring properties and the comprehensive plan.

PLANNING AND DEVELOPMENT
(Application No. 2016-01 - Request of Diane J. Hanshaw)
(Rezone Property Located at 1325 E. 6th Ave.)
(Ordinance Number 16-11)

AN ORDINANCE REZONING A CERTAIN AREA IN THE CITY OF EMPORIA, KANSAS FROM R3, HIGH DENSITY RESIDENTIAL DISTRICT TO C3, GENERAL COMMERCIAL DISTRICT AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 16-11, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 16-11, an ordinance to change the zoning status at 1325 E. 6th Avenue from R-3, High Density Residential District to C-3, General Commercial District. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Mlynar, aye; Commissioner Harmon, aye; and Vice-Mayor Gilligan, aye.

CITY COMMISSION
(City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting:

At this time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR APRIL 13TH STUDY SESSION

1. Discuss RHID
2. Cottonwood River Water Rights Purchases
3. Discuss Becker Addition Drainage

**CITY/COUNTY JOINT LUNCHEON
COUNTY HOSTS**

**CITY COMMISSION
(Other Business)**

This is a time for the City Commissioners to make comments.
No comments were made at this time.

Commissioner Harmon then made a motion to adjourn. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; and Vice-Mayor Gilligan, aye.

Rob Gilligan, Vice-Mayor

ATTEST:

Kerry Sull, City Clerk